

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

IN THE MATTER OF THE SEARCH OF

255 E 9th North St
Apt 24C
Summerville, SC 29483

Case No. 2:23-cr-723

AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT

I, Robert E. Callahan, V., being duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a search warrant to search a residence utilized by Herman Tobiah WRIGHT (“WRIGHT”), a/k/a “Wink”, located at 255 E 9th North St, Apt 24C, Summerville, SC 29483 for machineguns, specifically Glock conversion devices, AR-type conversion devices and any other evidence of the illegal importation of machineguns into the United States, and any evidence of the transfer of these machineguns to other individuals.

2. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Department of Justice. I have been so employed by ATF since 2009. I have a Bachelor of Science degree in Criminal Justice received from the University of South Carolina. I am a graduate of the Criminal Investigator Training Program from the Federal Law Enforcement Training Center as well as a graduate of Special Agent Basic Training from the ATF National Academy. I am currently assigned to the ATF Charleston Field Office within the Charlotte Field Division. I have participated in numerous investigations involving state and federal firearm violations to include: the illegal possession of firearms, firearms trafficking, straw

purchasing of firearms, dealing in firearms without a license, and firearms classified under the National Firearms Act, among others. Accordingly, I am thoroughly familiar with the investigative techniques used in all these investigations, such as the use of undercover agents, the use of cooperating witnesses and confidential informants, surveillance, search and seizure warrants, and the extraction and analysis of data from cellular telephones. As a federal agent, I am authorized to investigate violations of laws of the United States, and as a law enforcement officer I am authorized to execute warrants issued under the authority of the United States.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents, officers, and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all my knowledge about this matter.

4. The ATF is conducting a criminal investigation involving WRIGHT and the illegal acquisition, possession, and disposition of machinegun conversion devices, more specifically, Glock conversion devices and AR-type conversion devices. The investigation involves possible criminal violations, including, among others, 18 U.S.C. § 922(o) (knowing possession of machinegun), 26 U.S.C. § 5861(d) (possession of unregistered firearm), 26 U.S.C. § 5861(e) (transfer of firearm in violation of chapter), 18 U.S.C. § 545(a) (smuggling goods into the United States), 26 U.S.C. § 5844 (importation of firearms into the United States) and 26 U.S.C. § 5861(k) (Receipt or possession of unlawfully imported firearm).

5. The term, “Machinegun” is defined in 26 U.S.C. § 5845(b) and 18 U.S.C § 921(a)(24) as, “any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and

intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled is such parts are in the possession or under the control of a person.”

6. The ATF Firearms and Ammunition Technology Division (FATD) previously provided guidance stating, “A Glock conversion device – commonly referred to as “Glock switch” or “Glock Auto Sear” – is a part, or combination of parts, designed and intended for use in converting a semiautomatic Glock pistol into a machinegun; therefore, it is a “machinegun.”

7. The ATF FATD previously provided guidance stating, “An AR-type machinegun conversion device can be a part, or combination of parts, designed and intended for use in converting a semiautomatic weapon into a machinegun; therefore, such an item is a “machinegun.”

8. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that WRIGHT committed violations of the above-listed statutes and there is probable cause to believe that the residence as described in Attachment A contains evidence of the aforementioned violations. Therefore, probable cause exists to search the residence as described in Attachment A for evidence of these violations, as described in Attachment B.

PROBABLE CAUSE

9. In December 2022, I reviewed the downloaded contents of a cell phone that had been seized from Carl Shedrick Hopkins pursuant to a federal search warrant. While reviewing the contents of the device, messages were discovered between Hopkins and an individual believed to be WRIGHT, a/k/a “Wink”, discussing the acquisition and disposition of “switches” which I know, based on training and experience to be Glock conversion devices.

10. I reviewed several messages between Hopkins and phone number (404) 449-5544, labeled in Hopkins' phone as "Wink." I queried various law enforcement databases, and the aforementioned phone number is associated with WRIGHT. In response to a Court Order for records associated with the aforementioned phone number, T-Mobile records indicate the account billing address as, Herman Wright, PO Box 15955, Lenexa KS 66285.

11. On January 12, 2022, "Wink" sent the following message to Hopkins, "im the real life Ghost no tv show but I got switches on deck for the glocks how many were you need." Hopkins replied, "I need couple to get rid I got sum plays for em yes sir!!!" "Wink" then sent Hopkins the following photograph of suspected Glock conversion devices:



12. After sending the photograph of the suspected Glock conversion devices, "Wink" sent a message that stated, "Delete that pic asap tho."

13. Hopkins sent "Wink" a photograph of an AR-style firearm and "Wink" stated, "I got the full switches for them too lol" and Hopkins replied, "Yep need it ASAP" and "Boy I get rid of all em in one day."

14. “Wink” then sent Hopkins a message that stated, “I want 300 I’ll do 150 for you so can cushion I’ll bring you some when I come home that’s what im trying set up...Plays for em.”

15. On January 29, 2022, “Wink” sent the following message to Hopkins, “Did that pack I give you have extra little pieces in it.”

16. On July 3, 2022, a message from the Facebook messenger account, “Tobiah Wright” to Hopkins stated, “I’m coming this week was waiting on the rest of the switches.”

17. I am familiar with machinegun conversion devices and have been involved in prior investigations involving Glock and AR-type conversion devices. I know that often, due to their classification as machineguns and being regulated by ATF, these devices are commonly ordered online from another country and mislabeled with deceptive descriptions to conceal the true contents of the package, in an effort to divert the attention of law enforcement.

18. I requested inbound international shipments from Homeland Security Investigations (HSI) for parcels sent to WRIGHT. The shipment information indicated that “Tobiah Wright” has received approximately thirty (30) shipments.

19. The data showed approximately five (5) shipments between November 2022 and June 2023, from China, addressed to “Tobiah Wright” at 255 E 9th North St Apt 24C, Summerville, SC. I queried the South Carolina Department of Motor Vehicles and discovered that WRIGHT’s listed address is the same as above.

20. The data showed approximately seventeen (17) shipments between February 2022 and January 2023, addressed to “Tobiah Wright” at 2194 Briarcliff Rd NE, Atlanta, GA. Some of the shipments included “Apt 7” in the address. I queried various law enforcement databases and reviewed law enforcement reports, and the aforementioned address is associated with WRIGHT.

21. The data showed approximately eight (8) shipments between August 2015 and January 2022 addressed to “Tobiah Wright” at other addresses.

22. The descriptions of some of the items shipped included, “valve”, “suspension component”, “clip”, “aluminum part”, “pneumatic tool small safety valve”, and “wind chimes”, among others.

23. I queried the South Carolina Department of Motor Vehicles for vehicles registered to WRIGHT and discovered among others, a 2001 Ford F150 pickup truck bearing SC license plate VAU333 and a 2012 Ford Mustang, bearing SC license plate WRI535.

24. On December 15, 2022, I conducted surveillance and observed WRIGHT’s Ford F150 parked directly in front of 255 E 9th North St, Apt 24C, Summerville, SC 29483.

25. On December 21, 2022, ATF SA James Dougherty conducted surveillance and observed WRIGHT’s Ford F150 parked in the parking lot across from 2194 Briarcliff Rd NE, Apt 7, Atlanta, GA 30329.

26. On July 5, 2023, I was notified by HSI that Customs and Border Protection (CBP) intercepted a parcel addressed to consignee “Tobiah Wright” at 255 E 9th North St, 24C, Summerville, SC with associated phone number (404) 449-5544. The package originated from China and arrived at JFK Airport on or about April 11, 2023, and subsequently placed on hold by CBP on or about April 12, 2023. I was advised that the package was searched by CBP on July 5, 2023, and twenty (20) Glock conversion devices and five (5) AR-type conversion devices were contained in the package, as identified by the photograph below.



27. While reviewing the international shipping data, I noticed two (2) parcels addressed to “Tobiah Wright” at the Summerville address that arrived in the United States on approximately May 3, 2023, and June 11, 2023. These parcels arrived after the aforementioned parcel that contained machinegun conversion devices. I was informed by HSI that these two (2) parcels were not placed on hold and were not inspected.

28. On July 10, 2023, I sent the suspected Glock conversion Devices and AR-type conversion devices to FATD for examination and official classification.

29. On July 13, 2023, I received a verbal classification from FATD that all of the submitted devices are in fact, machineguns. The verbal classification was followed up with a Report of Technical Examination received from FATD on July 27, 2023.

30. On July 18, 2023, I conducted surveillance and observed WRIGHT’s Ford F150, and Ford Mustang parked in front of 255 E 9th North St, Apt 24C, Summerville, SC 29483.

31. On August 7, 2023, I was notified by HSI that Customs and Border Protection (CBP) intercepted a parcel addressed to consignee “Tobiah Wright” at 255 E 9th North St, 24C, Summerville, SC 29483 with associated phone number (404) 449-5544. The package originated from China and arrived at JFK Airport on or about August 6, 2023, and subsequently placed on hold by CBP. I was advised that the package was searched by CBP on August 10, 2023, and fifteen (15) suspected Glock conversion devices and five (5) suspected AR-type conversion devices were contained in the package, as identified by the photograph below.



32. On August 17 and August 21, 2023, I conducted surveillance and observed an individual believed to be WRIGHT entering and exiting 255 E 9th North St, Apt 24C, Summerville, SC 2948.

33. WRIGHT was queried in the ATF Federal Licensing System to determine if WRIGHT possesses any type of federal firearms license, and I was advised WRIGHT does not possess any licenses in the Federal Licensing System.

34. The ATF National Firearms Act Division is the only federal authority permitted to regulate firearms covered by the National Firearms Act (NFA). The National Firearms Act Division processes all applications to make, export, transport and register NFA firearms and destructive devices. The Industry Processing Branch (IPB) processes all non-government application to make, export, transfer and register NFA firearms. The IPB also maintains the National Firearm Registration and Transfer Record (NFRTR), the central registry for all items regulated under the NFA.

35. WRIGHT was queried in the NFRTR, and it was determined that WRIGHT does not have any firearms falling under the purview of the NFA registered with ATF.

36. As outlined earlier, the facts contained in this affidavit are of my own personal knowledge as well as facts relayed to me by other law enforcement officers and official custodians of record.

37. I am aware that Glock conversion devices are designed and created for the sole purpose of converting semi-automatic Glock pistols into fully automatic machineguns. These devices vary be design and appearance but all, when properly installed on a semi-automatic Glock pistol, will allow the firearm to expel more than one projectile by a single pull of the trigger. Installation of these conversion devices is fast and simple, requires little or no technical expertise, and is completed by removing the polymer slide cover plate on a Glock semi-automatic pistol and replacing it with a conversion device. I also know that these devices are referred to by different names, including but not limited to switches, auto sears, convertors, conversion switches, selector switches, and conversion devices.

38. I am aware that AR-type auto sears are designed and created for the sole purpose of converting semi-automatic AR-type firearms info fully automatic machineguns. These devices

vary by design and appearance but all, when properly installed in an AR-type firearm, will allow the firearm to expel more than one projectile by a single pull of the trigger. Installation of these conversion devices is fast and simple, requires little or no technical expertise, and is completed by accessing the interior of the receiver by partial disassembly through the rear receiver take-down pin, and placing the flat portion of the device in the take-down lug recess area located inside the receiver, and re-attaching the upper assembly. I also know that these devices are referred to by different names, including but not limited to auto sears, drop in auto sears, swift links, and conversion devices.

39. I know that ATF considers Glock conversion devices and AR-type auto sears as machineguns; Therefore, apart from official military and law enforcement use, these machineguns may only be lawfully possessed by properly licensed Federal Firearms Licensees (FFL) who have paid the appropriate Special Occupational Tax (SOT) required of individuals manufacturing, or dealing in National Firearms Act (NFA) weapons, including machineguns.

40. I know that illegal firearm traffickers often utilize techniques to prevent the detection of firearms that are shipped unlawfully through mail and common carriers by means of falsifying invoices, bills of sale, shipping papers, and customs forms by listing the firearms as other items, including but not limited to firearms parts and pieces (rather than complete firearms) and components utilized in the automotive, industrial, and machinery industries. In addition, illegal firearm traffickers have been known to conceal firearms inside of other objects to avoid detection by law enforcement officials.

41. I know that illegal firearm traffickers often utilize cellular phones that are held in the names of other living or fictitious person, and change numbers frequently to limit law enforcement officials' ability to identify and track suspects' call histories. In addition, I know that illegal

firearm traffickers often utilize computer equipment or digital devices, to include computers, laptop computers, and cellular phones to aid in acquiring, paying for, selling, transferring, and keeping records of firearm purchases and sales.

42. Persons who possess and sell firearms generally maintain the firearms and records of their firearm transactions as items of value and usually keep them in their residence, or in places that are readily accessible, and under their physical control, such as a commercial storage unit, or their vehicle. Many people also keep mementos of their firearms, including photographs or videos of themselves possessing or using firearms. Many people use cellular telephones to take these photographs and/or videos of themselves possessing and/or using firearms.

43. I am aware individuals involved in illegally acquiring and disseminating firearms, to include machinegun conversion devices often maintain in their residence, records of firearms transactions, receipts or other documentation from the ordering, purchase, or sale of firearms, to include but not limited to, transaction records, shipment packaging or other evidentiary items that are often maintained for months or years at a time.

CONCLUSION

44. I submit that this affidavit supports probable cause for a search warrant authorizing the search of the residence described in Attachment A to seek the items described in Attachment B.

This affidavit has been reviewed by SAUSA Carra Henderson.

Respectfully submitted,

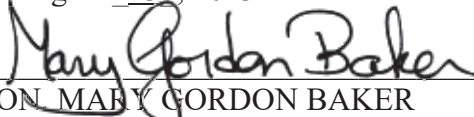
ROBERT CALLAHAN

Digitally signed by ROBERT
CALLAHAN
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Robert E. Callahan, V., Special Agent
Bureau of Alcohol, Tobacco, Firearms &
Explosives

SWORN TO ME VIA TELEPHONE OR
OTHER RELIABLE ELECTRONIC MEANS
AND SIGNED BY ME PURSUANT TO
FED. R. CRIM. P. 4.1 AND 4(d) OR 42(d)(3)
AS APPLICABLE

on August 23, 2023



HON. MARY GORDON BAKER
UNITED STATES MAGISTRATE JUDGE